

12.1 Definitions

Military Voter: Any member of the uniformed services of the United States on active duty, merchant marine, Public Health Service, or National Oceanic and Atmospheric Administration, and spouses and dependents residing with them. These voters may retain their residency for voting purposes even if they no longer have a physical place of abode in the state, and are therefore eligible for full registration. The term “military voter” does not include all federal employees. Federal employees who are not employees of the federal organizations listed above, and military employees not on active duty, are **not** “military voters” for our purposes.

Overseas Voter: A voter residing temporarily overseas who retains a place of abode in Virginia. This is usually known due to an application for an absentee ballot (most commonly the Federal Post Card Application or FPCA), on which the voter does **NOT** list a last date of residence. The overseas voter maintains a place of abode in Virginia and is therefore eligible for full registration. If an existing voter’s FPCA or absentee ballot application indicates that the voter is overseas (e.g., through the reason code) and the application does not contain a last date of residence, the voter is considered an overseas voter.

Temporary Voter: A voter residing overseas who has given up their place of abode in Virginia. This is usually known due to an application for an absentee ballot (most commonly the FPCA), on which the voter lists a last date of residence or has selected a reason code that indicates the voter has relinquished his or her place of abode—(reason code 1(c) on the FPCA revised 10-05 indicates the voter has relinquished his or her place of abode). The temporary voter does not maintain a place of abode in Virginia but could be eligible for either full registration or for federal-only registration. This chapter deals exclusively with the rules for handling temporary voters of both full and federal-only registration types. (See Chapter 11 for instructions on handling other absentee applications and Chapter 9 for voter registration in general.)


12.2 The Two Types of Temporary Registration

Many overseas voters will be eligible to maintain their permanent registration in Virginia. Use temporary registration only for those who do not qualify for permanent registration. Any voter residing overseas who does not list a last date of residence (which means the person has not given up his or her place of abode in Virginia) or does not select the reason code 1(c) on the 2005 version of the Federal Post Card Application (FPCA)—U.S. Citizen Residing outside the U.S. indefinitely—may be eligible for permanent registration as an overseas voter. The charts at the end of this chapter summarize the

qualifications for permanent and temporary registration. There are two charts, one based on the 10/2005 revision of the FPCA and one based on the previous (10/1995) version.

There are two types of temporary voters:

- 1) Temporary Full Ballot Voter: The temporary full ballot voter may vote in any election.
- 2) Temporary Federal-Only Ballot Voter: The temporary federal-only ballot voter may only vote in federal elections (i.e., may only receive federal ballots in general, special, or primary elections for federal office).

 The qualifications for federal ballots are the broadest. Most overseas citizens who cannot qualify for permanent registration as overseas voters will qualify to receive ballots for federal elections as temporary federal-only ballot voters.

12.3 Temporary Full (Federal, State and Local) Ballot Voter

[\(§§ 24.2-443.1-24.2-443.4\)](#)

12.3.1 Eligibility

Temporary full ballot voters are residents of Virginia living outside the U.S. by virtue of employment and the spouses and dependents living with them who:

- registered to vote in Virginia before they move overseas;
- moved after July 1, 1999; and
- no longer have a Virginia place of abode.

The overseas employee, accompanying spouse, or accompanying dependent must have registered to vote in Virginia before moving overseas. They do not need to have actually voted in Virginia before the move.

Duration of eligibility: The temporary full ballot voter remains registered in the precinct in which he or she was previously registered, and shall be eligible to vote in all elections held in that precinct. If the absentee application is made using SBE Form 701, it is only valid for the next election.¹ If the absentee application is made using the FPCA it is valid through the federal election cycle or for 365 days, whichever is longer, following receipt.² See Chapter 11 for additional information on processing ongoing applications.

The temporary full ballot voter remains registered so long as he or she votes at least once every five years after moving overseas. If the voter fails to vote at least once in any five year period, the voter will lose full-ballot status and must have his or her registration cancelled. If the voter reapplies for registration and absentee ballots while remaining overseas, the voter will then only be eligible for federal-only ballots (i.e., will become a temporary federal-only ballot voter).

¹ The old Virginia Application for Temporary Registration (SBE Form 443) is obsolete and should no longer be issued, but if a voter submits their application on this form it must be processed as an application for registration and absentee ballots for one election only.

² Updated 7/2010 (HB 1235/SB 55)

Eligibility for Absentee Ballots: The temporary full ballot voter must still apply for absentee ballots. When this type of voter applies for absentee ballots on the FPCA, the absentee application remains valid through the federal election cycle or for 365 days, whichever is longer, after the most recent FPCA was received.³ If the voter applies for an absentee ballot using the Virginia Absentee Ballot Application ([SBE Form 701](#)), the absentee application is only valid for the next election.

- ① Students residing temporarily overseas because of enrollment in a regular, organized course of study are deemed to have employment. Similarly, citizens volunteering in the Peace Corps or overseas as missionaries are deemed to have employment.

12.3.2 Required Forms

Citizens may apply to be a temporary full-ballot voter by:

- Completion of a Federal Post-Card Application (FPCA); or
- Completion of a Virginia Absentee Ballot Application ([SBE Form 701](#)).

① Effective July 1, 2009, the Federal Write-In Absentee Ballot (FWAB) application can be used simultaneously as an absentee application (for the ballot that is enclosed in the FWAB) and as a voter registration application. The new FWAB contains almost the same questions/blocks as the 10/2005 FPCA. A voter registering for the first time would need to provide all the information that would be required on the FPCA.⁴

① This new law will be most useful for military voters eligible for late registration, but it can also be used after the books reopen to register or update other voters who are overseas. Copy the FWAB application before depositing it with the other FWABs. These voters may be permanent, temporary full-ballot, temporary federal-only registrants, or their current status may need to be updated. The FWAB is not considered an application for additional ballots (other than the one enclosed) or for future elections, but as a registration application that should otherwise be processed the same as a Federal Post Card Application (FPCA). Enter the absentee expiration date as the day after the election for which the voter has submitted the FWAB, unless a later date is already entered from a prior FPCA application. For more information on handling FWABs, see Chapter 11.⁵

If the voter applies for an absentee ballot using the FPCA (rev 10-95), the voter should:

- Check box 8(c) indicating that he/she is a U.S. Citizen overseas by virtue of employment or accompanying spouse or dependent;
- List a last date of residence (on or after July 1, 1999) in box 3(a); and

³ Updated 7/2010 (HB 1235/SB 55)

⁴ Added 07/09

⁵ Added 07/09


- List the name of an employer in box 7.


If the voter applies for an absentee ballot using the FPCA (rev 10-05), the voter should:

- Check box 1(b) indicating that he/she is a U.S. Citizen residing outside the U.S. temporarily;
- List a last date of residence (on or after July 1, 1999) in box 6; and
- List the name of an employer in box 6.

If the voter applies for an absentee ballot using the Virginia Absentee Ballot Application (SBE Form 701), the voter should:


- Indicate reason 6D, “temporarily residing outside U.S. for employment, or cohabitant spouse or dependent.”
- On the form, provide the last date of residence in Virginia. If the last date of residence is before July 1, 1999, the voter is not a temporary full ballot voter.
- Only if the reason code 6D is used, a last residence date on or after July 1, 1999 is listed, and the voter was previously registered may a voter qualify for full ballots. If all three of these criteria are not met, the voter is only eligible for federal ballots.

 When updating this voter’s registration in VERIS, the general registrar must check the **Temporary Checkbox** on the Update Registration page. The registrar then must fill in the date of last residence as it is listed on the FPCA. VERIS will state that this voter is eligible for federal only ballots on the voter’s registration. If this voter is already registered, the registrar selects the **Temporary Checkbox** on the “Add Absentee” page in VERIS and enters all of the information as well. This will also serve to update the voter’s registration.

 When processing the absentee application in VERIS in order to send the voter a ballot in VERIS, the system will limit the ballot type to federal only ballots. Hence the “Ballot Type” will state “Federal Only” until a last residence date **on or after July 1, 1999** and the reason code of 6D is entered. Once this information is entered, the “Ballot Type” will update to full ballot.

12.3.3 Application Procedures

If the application meets the requirements, start processing by entering the applicant’s information into the “Absentee Search” page of VERIS.

 If the voter is not registered in the system, check your files. Either there is an error that must be corrected (and thus the voter should be in the system) or the voter is not a temporary full-ballot voter.

If the voter is currently registered in the system, VERIS will populate the voter’s information and will indicate whether the voter has previously applied for an absentee ballot. If the voter has not previously applied for a ballot, add this application by

selecting the “Add Application” button. The “Add Application” screen will then appear; enter the applicant’s information for processing.

Once the application type is selected, the permissible reason codes will populate. The reasons are listed in numerical order and indicate the reason for voting absentee. The only reasons that will populate are the ones that are valid for the specific application type. Only reason “6D Overseas for reasons of employment” will allow this voter to receive full ballots in local and state elections. Check the “Temporary” checkbox and then enter the last date of residence for the voter. Only when the correct reason code is entered, the “Temporary” checkbox is checked, and a last date of residence on or after July 1, 1999 is entered will the system assign full ballots to the voter.

Entering this information on the “Absentee” screen will update the voter’s registration as well. Enter the registration end date by calculating out five years from the registration date. As long as the voter votes once every five years, the registration remains valid. If the voter submitted an FPCA, the registrar must also enter the ongoing absentee expiration date in order to indicate the ongoing status of an absentee ballot request. This date must be calculated to go through the next two regularly scheduled Federal general (November) elections unless the voter has requested an earlier expiration date on the FPCA.

Alternatively, update the voter’s registration on the “Registration Maintain” screen before processing the absentee request. On that screen select the “Temporary” checkbox, and enter the last residence date and the registration end date. If the registration record is updated, the information will automatically carry over to the absentee record.

Finally, enter or update the address to which the absentee ballot is to be mailed (emailed/faxed). If the voter has voted absentee since moving overseas, verify that the overseas address on file is current.

12.3.4 Special Filing Instructions for First-Time, Temporary Full Ballot Voter

All temporary full ballot voters must have been previously registered to vote:

- Pull the voter’s original voter registration application from your files;
- Mark on the back that the status has been changed to “Temporary Full Ballot” with the date; and
- File the original voter registration application in a drawer adjacent to but separate from your active applications.

Since first-time, temporary full ballot voters will be maintained in VERIS after taking the steps above, follow the normal instructions for processing the absentee applications under Chapter 11. If the voter’s most recent registration application is on the FPCA (or FWAB), also follow the procedures under 12.4.4 below.

12.3.5 Registration End Date

Check the voter's history to determine whether the voter has voted at least once in five years for the voter to remain a "Temporary Full Ballot Overseas Voter." If the voter has voted, update the registration end date to five years from the date the voter last voted. If the voter has not voted, then the registration must be cancelled and the absentee ballot application must be denied for state and local ballots. The voter will still qualify to receive federal ballots if the voter submits a new FPCA or registration application.⁶



If in the future, the individual reapplies for registration, the voter, if otherwise qualified, will be a temporary federal-only ballot voter.

12.3.6 Applications That Are Incomplete or Late

An FPCA from an overseas or temporary (either type) voter received through the United States Postal Service shall be deemed for registration purposes to have been made as of the date of the postmark affixed to such application by the United States Postal Service. If there is no such postmark affixed or if the post mark affixed by the United States Postal Service is unreadable or bears no date, the application shall be deemed on time if received through the United States mail no later than five days following the close of the registration books.

If an application from an otherwise qualified applicant is received after the deadline, send the applicant a letter explaining why your office must and will not send a ballot for the upcoming election. Let the voter know for what elections the application has been accepted. For example, an application for temporary registration received October 20, 2008 was too late for the November 2008 election, but will it be honored for all elections for which the voter is eligible through November 2012.

If an application is incomplete and there is adequate time before the registration deadline, send the applicant a denial form along with a new application form.

12.3.7 Mail The Following To The Voter:

In addition to the absentee balloting material listed in Chapter 11, the following may be included with the ballot mailing to the voter:

- Information about the voter's registration status may be included with ballots for overseas or military voters.
- Information concerning the voting process for overseas citizens may be included with ballots for overseas or military voters.

VERIS will produce mailing labels either singly or in batch mode for all processed and approved absentee applications. Select the appropriate batch from the Batch Reporting Hopper page in VERIS to print labels whenever you determine labels should be printed.

⁶ Updated 07/09

If a Temporary Full-Ballot applicant applies in person before the books are closed and after the ballots are ready, and the voter wishes to vote at that time in person, process the voter's absentee ballot application as detailed previously and provide the voter with the same material that would be provided to any other in person absentee voter (see Chapter 11). The only difference between this voter and any other in person absentee voter is that the temporary full ballot voter is exempt from the HAVA ID requirements. Since this voter is voting in person, the exemption from the in person voting requirement of Virginia law is immaterial.

After the voter places the marked ballot in the "Marked Ballot" envelope, witness the voter's signature on the outside of the envelope and sign as the witness. Place the "Marked Ballot" envelope inside the pre-addressed envelope and place the envelope in a secure, locked container. In VERIS, enter that the "Ballot Sent By" method is "In Person," the "Ballot Received By" method is "In Person," and that the "Ballot Status" is "Marked."

If using machines for in-person absentee voting, follow the normal procedures for the equipment, except make sure that you have set the machine so that ballots can be cast for all offices and issues (federal, state, and local). In VERIS, enter that the "Ballot Sent By" method is "In Person," the "Ballot Received By" method is "In Person," and that the "Ballot Status" is "On Machine."

If the ballot is to be emailed or faxed, see Chapter 11 for specific instructions.

Temporary Federal-Only Ballot Voters (§§ [24.2-436](#) – [24.2-439](#))

12.3.8 Eligibility

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ([42 USC 1973ff et seq.](#)) and subsequently enacted Virginia laws (§§ [24.2-440](#) - [24.2-443](#)) permit any citizen residing overseas, whose last residence in the U.S. was in Virginia but who no longer maintains an abode in Virginia, to receive absentee ballots for elections for **federal elections only**. Federal-only ballot voters do **not** qualify for temporary full ballot registration in all elections under Virginia law and do **not** qualify for permanent registration as overseas voters.

A voter is eligible to receive federal-only ballots under any of the following circumstances:

1. The applicant is not currently registered but submits an FPCA⁷ in order to register and apply for absentee ballots and lists a last date of residence on the application.

Check the "Temporary" checkbox on the VERIS "Voter Maintain" screen when registering this voter and fill in the date of last residence as it is listed on the FPCA. VERIS will state that this voter is eligible for Federal-Only ballots on the

⁷ The Federal Write-In Absentee Ballot form may be used (as of 7/1/09) as a registration form. See page 3 of this chapter (section 12.3.2).

voter's registration. When processing the application for an absentee ballot, VERIS will carry the Federal-Only designation to the absentee screens.

2. A currently registered voter submits an FPCA or a Virginia application to update registration and apply for absentee ballots and:

- Lists a last date of residence on or after July 1, 1999 and the reason code is not "6D Overseas for reasons of employment." Check the "Temporary" checkbox when updating this voter's registration on VERIS. Then fill in the date of last residence as it is listed on the application. VERIS will state that this voter is eligible for Federal-Only ballots. When processing the absentee application, the system will limit the ballot type to Federal-Only ballots if a reason code is selected other than "6D Overseas for reasons of employment." If the voter is not overseas because of employment, he or she is not eligible under state law to receive full ballots and therefore must receive federal ballots only.

OR

- Lists a last date of residence before July 1, 1999. Check the "Temporary" checkbox when updating this voter's registration on VERIS. Then fill in the date of last residence as it is listed on the application. VERIS will state that this voter is eligible for Federal-Only ballots. When processing the Absentee Application, the system will limit the ballot type to Federal-Only ballots regardless of what overseas reason code is selected, including "6D overseas for reasons of employment." If the voter moved overseas before July 1, 1999, he or she is not eligible under state law to receive full ballots, and therefore must receive federal ballots only.
3. Either a currently registered voter or an applicant who is not registered submits an FPCA and selected 1(c) as the reason code. The State Board enacted a policy that this reason code indicates the voter is overseas indefinitely with no plans to return. When registering a new voter or updating an existing voter, select the "Temporary" checkbox and enter the last date of residence on the FPCA if it is provided. If it is not provided, enter the date the applicant signed the FPCA. When processing the Absentee Application, make sure to enter reason code 6C which will limit the ballot type to Federal-Only ballots.



Federal elections are defined as: any general, special, or primary election for President, Vice-President, presidential electors, or a member of the U.S. Senate or the U.S. House of Representatives.

12.3.9 Required Forms

Applications for Temporary Federal-Only Ballot registration should normally be made on the Federal Post Card Application or FPCA (federal Standard Form 76 and its precursors).⁸ Applicants using the FPCA no longer have to apply separately for each

⁸ The Federal Write-In Absentee Ballot form may be used (as of 7/1/09) as a registration form. See page 3 of this chapter (section 12.3.2).

election in which they want to vote. If the application is made on the FPCA, temporary registration is valid until the end of the federal election cycle in which the voter submits his application or for 365 days, whichever is longer.⁹ The applicant will continue to receive all ballots for which he or she is eligible during this time. The registrant will need to send a new FPCA after that time to continue to receive absentee ballots. If the applicant's FPCA reply card is properly addressed and attached, use it to notify the applicant that he/she will receive absentee ballots through the federal election cycle, and that he/she must reapply in order to continue to receive ballots. If the FPCA reply card is not attached and the applicant has provided a fax number or email address, either method of communication may be used. For other temporary registrants, send a separate mail notice to the applicant (a postcard is sufficient). Effective 4/12/04, the notice of registration status for a UOCAVA voter may also be sent with the absentee ballot itself.

The general registrar must determine, based on the information available, whether the applicant is Military, Overseas, or Temporary. If the application lists a last date of residency, the otherwise qualified voter must be registered as a Temporary voter (either a Full Ballot or Federal-Only Ballot). If an FPCA lists a reason code of 1(c), the otherwise qualified voter must be registered as a Temporary Federal Ballot only voter. VERIS will assist in this determination as once as the information received from the FPCA is entered and the application is processed; then VERIS will determine the proper ballot type for the voter.

12.3.10 Receipt of Application

Upon receipt of the FPCA, attach it to a piece of paper on which the "Registrar Use Only" block has been copied and then enter the date the application was received and the precinct and district codes in that block.

Enter the Temporary Federal-Only Ballot overseas voter into VERIS.

Enter the registration end date by calculating out and entering the date of one federal election cycle or 365 days, whichever is longer. Enter the ongoing absentee expiration date in order to indicate the ongoing status of an absentee ballot request.

12.3.11 Photocopy the Application


- The original is used as the registration application and is filed alphabetically.
- The photocopy is used as the absentee ballot application and will be filed by **precinct** after you have finished processing it.

If the FPCA is faxed or sent as an email attachment, the applicant is required to also mail the original for your files, if and only if the applicant is also using the FPCA to register or to update his registration. Place the fax or email copy of the FPCA in your registration files until the mailed FPCA arrives, and then destroy the fax or email. Use a copy of the FPCA as the Absentee Ballot Application.

⁹ Updated 7/2010 (HB 1235/SB 55)

Do not wait for the original, mailed form to process the application or send the ballot. If the voter is registering for the first time and his original application does not arrive by Election Day, the ballot cannot be counted.

Effective July 1, 2007, the registration application shall no longer be made available for public inspection. Instead, only the lists of registered voters are open to public inspection by any resident of Virginia. Proceed to process the application based on the email or fax and issue the ballot. If the voter is not already registered and the FPCA with the original signature does not arrive on/by Election Day, the ballot cannot be counted.

-  The Code requires localities to have a list of such voters available for public inspection. VERIS can complete a report listing all such temporary overseas voters if any public request is made. The list, without social security numbers, must be made available for inspection by any resident of Virginia.

12.3.12 Applications That Are Incomplete or Late

Refer to the above rules (section 12.3.6) to determine if an FPCA received through the USPS is late for registration purposes.

12.3.13 Processing the Absentee Ballot Applications

Ballots must be available for absentee voting **no later than**:

- 45 days before any November general election special election or primary election; or
- As soon after the deadline as possible for any special election, excluding federal offices, when time is insufficient to meet the deadline (§ [24.2-612](#)).¹⁰

Once ballots are ready they should be mailed immediately, (or emailed or faxed to those who have requested that delivery method), to all applicants whose applications have previously been filed and to all subsequent applicants within 3 business days¹¹ of receipt of their applications.

1. Enter on form [SBE-701](#) the date the ballot is being issued and an X in the “by mail” box for each ballot mailed.
2. Mail the following to the voter:
 - A ballot set for federal offices only sealed in a “Ballot Within” envelope.
 - The *Instructions for Absentee Voting*.
 - A marking tool, if appropriate, for the particular type of ballot in use.
 - A “Marked Ballot” envelope.

¹⁰ Updated 7/2010 (HB 1235/SB 55)

¹¹ Updated 7/2010 Any person who fails to discharge his duty regarding the absentee ballot process through willful neglect of duty and with malicious intent is guilty of a Class 1 misdemeanor.

- A “Return Envelope,” addressed to the secretary of the electoral board.
- If so requested by the applicant, a “Request for Assistance” form.
- Information about the voter’s registration status, provided by the registrar, may be included with ballots for overseas or military voters.
- Information concerning the voting rights and processes for overseas citizens. This can be provided by SBE or the localities.

Place all the above in an envelope to mail to the applicant. VERIS will produce mailing labels either singly or in batch mode for all processed and approved absentee applications. Simply select the appropriate batch from the batch reporting page in VERIS to print labels whenever you determine labels should be printed.

If a Temporary Federal Ballot Only applicant applies in person before the books are closed, the ballots are ready, and the voter wishes to vote at that time in person, process the applicant’s registration and absentee ballot application as detailed above. When the ballot is issued, mark an X in the “in person” box on form SBE-710.


- Provide the voter with a **federal ballot set** sealed in the “Ballot Within” envelope, *Instructions for Voting*, a “Marked Ballot” envelope, a marking tool, if appropriate for the particular ballot type in use, and a return envelope addressed to the secretary of the electoral board on which you have written the voter’s name and precinct number. Provide the voter a secure location to mark his/her ballot. After the voter places the marked ballot in the “Marked Ballot” envelope, witness the voter’s signature on the outside of the envelope and sign as the witness. Place the “Marked Ballot” envelope inside the pre-addressed envelope, and place the envelope in a secure, locked container. Enter into VERIS that the “Ballot Sent By” method is “In Person,” the “Ballot Received By” method is “In Person,” and that the “Ballot Status” is “Marked.”

If using machines for in-person absentee voting, follow the normal procedures for that equipment except make sure that you have **set the machine to the "federal ballots only"** option if the election also includes state/local elections or issues. You must enter into VERIS that the “Ballot Sent By” method is “In Person,” the “Ballot Received By” method is “In Person” and that the “Ballot Status” is “On Machine.”

12.4 Preparing Precinct Rosters; After the Election

If a central absentee precinct (CAP) is used, a listing of absentee ballot applicants for each precinct is delivered to the CAP chief officer by no later than 6:00 AM on Election Day, or by the time the CAP opens if opening is delayed under [§24.2-712\(F\)](#). If no CAP is used, the copy is delivered to each precinct’s chief officer on Election Day, along with the voted absentee ballots. Absentee applicant listings may no longer be *posted* in the polling places, but must be available for public inspection upon request. ([§24.2-711](#)).

The Application for Temporary Registration also serves as an application for an absentee ballot. The FPCA must be honored through the federal election cycle or for 365 days, whichever is longer. An application made on the Virginia Absentee Ballot Application is only good for the next election. These applications must be maintained in your offices while they are valid and for two years thereafter.

 Send a photocopy instead of the original to the clerk of court.

12.5 The Permanent v. Temporary Reference Charts

The Permanent v. Temporary reference charts are to be used as an additional point of reference. VERIS will analyze the information entered into the system and will notify the operator which ballot type the absentee voter is to receive. See document titled **Permanent vs. Temporary* Reference Chart** - first chart is for the FPCA revised October **1995**; the second chart is to be used for the FPCA that was revised October **2005**.